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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,554	07/25/2003	Florian Patrick Nierhaus	2003P04477US	3548
7590		10/05/2007	EXAMINER LE, KAREN L	
Attn: Elsa Keller, Legal Administrator Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/627,554	NIERHAUS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Karen L. Le	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 July 2003.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hesse (U.S. 7,046,779).

Regarding claim 1, Hesse teaches a method for indicating a speaker during a conference (Fig.2, item 208), comprising:

determining a list of participants in a conference (Fig.2, item 202);

determining a sample from said conference (Fig.2, item 248);

determining a participant from said list that is speaking during said sample (Fig.2, items 216 and 206);

providing data indicative of said sample; and

providing data indicative of said participant (Fig.2, item 208).

Regarding claim 2, Hesse further teaches 1, wherein said determining a participant from said list that is speaking during said sample includes determining an active channel in said sample and determining a speaker associated with said active

channel (Fig.2, items 208 and Col. 7, lines 43-55).

Regarding claim 3, Hesse further teaches causing a display of an indication that said participant is speaking (Fig.2, items 210 and 242).

Regarding claim 4, Hesse further teaches determining at least one active channel in said conference (Col. 7, line 50-55):

Regarding claim 5, Hesse further teaches determining at least one active channel includes determining significance of a plurality of channels in said conference and selecting said at least one active channel from said plurality of channels (Fig.2, item 208 and Col. 7, lines 50-55).

Regarding claim 6, Hesse further teaches determining a sample from said conference includes determining a sample from said at least one active channel (Fig.2, item 208).

Regarding claim 7, Hesse further teaches providing data indicative of said sample includes providing a sample of voice data associated with said conference (Fig.2, items 216 and 248).

Regarding claim 8, Hesse further teaches providing data indicative of said participant includes providing said data via a first channel and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data via a second channel (Fig.2, items 218 and 212).

Regarding claim 9, Hesse further teaches providing data indicative of said participant includes providing said data to a first client device and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data to a second client device (Fig.2, items 218 and 212).

Regarding claim 10, Hesse further teaches determining a significance of at least one active channel in said conference (Fig.2, item 208 and col. 3, lines 35-53).

Regarding claim 11, Hesse further teaches determining a participant from said list that is speaking during said sample includes identifying a participant speaking on said at least one active channel during said sample (Fig.2, item 208 and Col. 5, lines 15-22).

Regarding claim 12, Hesse further teaches 1, wherein said data indicative of said participant includes data indicative of a device associated with said participant (Col. 8, lines 16-22).

Regarding claim 13, Hesse further teaches said data indicative of said participant includes data indicative of a channel associated with said participant (Col. 3, lines 35-53).

Regarding claim 14, Hesse further teaches wherein said sample includes data from multiple active channels associated with said conference (Fig.2, items 218, 212 and 248).

Regarding claim 15, Hesse further teaches determining a participant from said list that is speaking during said sample includes determining a participant from a plurality of participants that are aggregated on a channel (Fig.2, items 208 and 212).

Regarding claim 16, Hesse further teaches wherein said data indicative of said sample has a different sample size than said data indicative of said participant (Fig.2, items 208 and 212).

Regarding claim 17, Hesse further teaches a system for indicating a speaker during a conference, comprising:  
a network (Fig. 3, item 303).  
at least one client device operably coupled to said network (Fig. 3, station 326 –348);  
a server operably coupled to said network, said server adapted to  
determine a list of participants in a conference; determine a sample from

said conference; determine a participant from said list that is speaking during said sample; provide data indicative of said sample; and provide data indicative of said participant (Fig. 3, items 302).

Regarding claim 18, Hesse further teaches, wherein said server is adapted to determine an active channel associated with said conference (Col. 9, lines 13-20).

Regarding claim 19, Hesse further teaches, wherein said server is adapted to cause a display on said client device of an indication that said participant is speaking (Col. 9, User GUI lines 18-19)

Regarding claim 20, Hesse further teaches, wherein said client device is adapted to display an indication of said participant (Col. 9, User GUI lines 18-19, table 1).

Regarding claim 21, Hesse further teaches, wherein said client device is adapted to display a level of activity of said participant in said sample (Col. 9, User GUI lines 18-19 and table 1).

Regarding claim 22, Hesse further teaches a system for indicating a speaker during a conference, comprising:  
a processor (Fig. 4, item 404);

a communication port coupled to said processor and adapted to communicate with at least one device (Fig. 4, item 403); and a storage device coupled to said processor and storing instructions adapted to be executed by said processor to: determine a list of participants in a conference; determine a sample from said conference; determine a participant from said list that is speaking during said sample; provide data indicative of said sample; and provide data indicative of said participant (Fig. 4, item 324).

Regarding claim 23, Hesse further teaches an article of manufacture comprising: a computer readable medium having stored thereon instructions which, when executed by a processor, cause said processor to: determine a list of participants in a conference; determine a sample from said conference; determine a participant from said list that is speaking during said sample; provide data indicative of said sample; and provide data indicative of said participant (Fig. 4, item 404).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on Mon and Thurs: 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen Le  
KLL



September 28, 2007